

California Integrated Waste Management Board	Author Escutia	Bill Number AB 117
Sponsor  Author	Related Bills  AB 107 (FY 97-98 budget bill)	Date Amended  July 3, 1997

**BILL SUMMARY**

AB 117 would prohibit, effective April 1, 1999, the operation of a solid waste facility or operation that handles demolition and construction debris, except as authorized by the Integrated Waste Management Act or regulations adopted by the California Integrated Waste Management Board (CIWMB). The bill would require the CIWMB to adopt tiered regulations by October 1, 1998, to adopt state minimum standards for the operation of these facilities.

The bill would also make legislative findings and declarations that amendments to the Integrated Waste Management Act are needed to clarify the intent of existing law that solid waste facilities that handle demolition and construction debris, except for surface mining operations, operate in compliance with CIWMB regulations, to the extent required by those regulations.

**BACKGROUND**

The author has introduced AB 117 to prevent the reoccurrence of a situation existing in her district. Aggregate Recycling Systems, a business operating in the 6200 block of South Alameda Street in Huntington Park, began operations in late 1993 as a recycler of construction and demolition wastes. In January 1994, following the Northridge earthquake, quake-damaged portions of the Santa Monica Freeway were hauled to this facility. Local residents complain of air pollution (dust) from the rubble and noise from the operation of recycling equipment (crushers). In December 1996, the City of Huntington Park declared this facility to be a nuisance, and operations ceased in March 1997.

Of the 39.8 million tons of solid waste disposed in 1990, about 20 to 30% (roughly between 8 million tons and 12 million tons) was construction and demolition (C&D) waste. The

Departments That May Be Affected  Department of Conservation, Air Resources Board, Department of Toxic Substance Control; State Water Resources Control Board		
Committee Recommendation	Committee Chair	Date  5

CIWMB 1996 market development plan, *Meeting the 50 Percent Challenge: Recycling Market Development Strategies Through the Year 2000*, indicates the CIWMB's goal is, by 2000, to divert 6.2 million tons of construction and demolition materials per year from landfill disposal. To achieve this goal, the Plan indicates that the CIWMB will provide funding to the California Department of Transportation for testing the use of ground asphalt roofing shingles in asphalt and other road products and for expedited development of specifications for use of recycled -content asphalt. Additionally, according to the Plan, the CIWMB will create a wood waste advisory task force to identify barriers to the marketing of wood waste and will continue to target applications for use of ground drywall in compost production and as a soil amendment on agricultural soil and deforested land.

Approximately 500 sites in California receive C&D materials and debris for recycling or reuse. Additionally, about 90 sites receive C&D wastes for disposal at monofills. Further, most of the 289 solid waste landfills accept C&D waste for disposal.

## **RELATED BILLS**

Proposed amendments to AB 107, the 1997-98 budget bill, would also address CIWMB development of regulations to govern construction and demolition debris. These proposed amendments would reduce appropriations to the CIWMB from the Integrated Waste Management Account by \$250,000 in FY 97-98 but would appropriate that same amount to the CIWMB if the Board provides a status report to the Legislature, by March 1, 1998, on the adoption of tiered regulations establishing state minimum standards for the regulation of facilities and operations that handle construction or demolition debris, including proposed regulations for those facilities and operations.

## **EXISTING LAW**

The Integrated Waste Management Act:

1. Establishes that responsibility for solid waste management is shared between the State and local governments (Public Resources Code §40001).
2. Prohibits operation of solid waste facilities without permits issued by local governments and concurred in by the Integrated Waste Management Board (PRC §44002 and §44009).
3. Defines "solid waste facilities" as transfer or processing stations, composting facilities, transformation facilities, and disposal facilities (PRC §40194) and exempts from that definition those processing stations whose principal function is to process wastes that have already been separated for reuse and are not intended for disposal [PRC §40200 (b) (2)].

4. Authorizes the CIWMB to adopt implementing regulations (PRC §40502). Under this authorization, the CIWMB has adopted a series of regulations to govern various types of solid waste facilities. (14 CCR § 17000 et seq.). The CIWMB has not yet adopted regulations to govern solid waste facilities that manage construction and demolition wastes.
5. Requires the CIWMB to develop an integrated waste management disaster plan for diversion or, where absolutely necessary, disposal of solid waste resulting from an emergency. (PRC §43035).

## ANALYSIS

AB 117 would:

1. Prohibit, commencing April 1, 1999, the operation of a solid waste facility or operation that handles demolition and construction debris except as authorized by the Integrated Waste Management Act and CIWMB regulations implementing the Act;
2. Require the CIWMB to adopt tiered regulations by October 1, 1998, to adopt state minimum standards for the operation of solid waste facilities and operations that handle demolition and construction debris;
3. Require the CIWMB's regulations to define the operations that require solid waste facility permits.
4. Require the CIWMB's regulations to minimize overlap, duplication, and conflict between the responsibilities of the CIWMB and any other State agency, consistent with protection of human health and safety and the environment.

## COMMENTS

The July 3, 1997, amendments remove and revise provisions that appeared in earlier versions of AB 117. The significant changes made by these amendments are described below:

- Guidance to local enforcement agencies. Earlier versions would have required the CIWMB, in adopting regulations, to provide guidance to local enforcement agencies on conditions and restrictions on the recycling of construction and demolition wastes. This version of the bill removes the proposed requirement.
- Surface mining operation exemption. Earlier versions would have exempted surface mining operations regulated under the Surface Mining and Reclamation Act of 1975 (Public Resources Code §2710 et seq.) from the requirements of the bill, under

specified circumstances. This version of the bill removes the proposed exemption, thereby potentially bringing surface mining operations within the CIWMB's regulatory scope. However, this version of the bill would require the CIWMB's regulations to define the operations subject to the bill's requirements. Further, the bill retains language declaring the Legislature's intent that solid waste facilities that handle demolition and construction debris, except for surface mining operations, operate in compliance with CIWMB regulations, to the extent required by those regulations.

- Regulatory duplication exemption. Earlier versions would have exempted construction and demolition debris recyclers from the bill's requirements if those recyclers are approved by the appropriate city or county, or by the State Air Resources Board, air pollution control district, air quality management district, State Water Resources Control Board, or regional water quality control board. This version of the bill removes the proposed exemption. However, this version of the bill would require the CIWMB's regulations to minimize overlap, duplication, and conflict between the responsibilities of the CIWMB and any other State agency, consistent with protection of human health and safety and the environment.
- Waiver of requirement for revision of solid waste facility permit. Earlier versions would have authorized permitted solid waste facilities to implement construction and demolition debris recycling programs without any revision to its permit, unless that revision is significant. This version of the bill removes the proposed waiver.

Issues:

1. The bill might not be necessary. This bill would require the CIWMB to adopt C&D debris regulations by October 1998; through administrative action, the CIWMB has already committed to this date. The CIWMB will start work on these regulations in July 1997 by holding workshops regarding the CIWMB's authority, application of general methodology, and appropriate regulation of C&D operations and facilities.
2. It is unclear if the bill would expand the CIWMB's regulatory scope. This bill would require the CIWMB to adopt state minimum standards through tiered permits for solid waste facilities and operations that handle C&D debris. The bill would authorize the CIWMB to define what operations are subject to permits. "Operation" is currently defined in regulation as "the receipt and processing of solid waste" [14 CCR 18101 (h)]. "Tiered permit" is defined as a "solid waste facilities permit other than a full permit" [14 CCR 18101 (l)]. "Handling" is defined in PRC §40195 as collection, transportation, storage, transfer, or processing of solid waste. "Handling" of debris would probably include collection, transportation, storage, transfer, or processing of debris. The bill may be read as a repetition of current CIWMB authority or as an expansion of that authority to govern the collection and transportation of debris.

3. If the bill expands the CIWMB's regulatory scope, it might affect other CIWMB activities. The CIWMB's 1996 *Market Development Plan* identifies C&D materials as a priority material for market development activities. New regulations on C&D debris facilities and operations might affect the development of recycling facilities. Further, the CIWMB recently approved an *Integrated Waste Management Disaster Plan*, as required by PRC §43035. Part of the Plan is designed to aid in the management of C&D waste that develops after a disaster. The Plan fosters recycling of these wastes whenever possible. New regulations on C&D debris "operations" may affect implementation of the disaster plan.

## LEGISLATIVE HISTORY

AB 117 was introduced on January 13, 1997. As introduced, it addressed permits issued by air quality management districts. The bill was passed by Assembly Committee on Natural Resources (10-1) on April 15, 1997; by Assembly Committee on Appropriations (13-4) on May 29, 1997; and by the full Assembly (47-30) on June 2, 1997. The bill was referred to the Senate Committee on Environmental Quality and amended on July 3, 1997.

Support:     Browning Ferris Industries  
              Communities for a Better Environment  
              Norcal Waste Systems, Inc.  
              Waste Management, Inc.

Oppose:     California Mining Association  
              Solid Waste Association of North America, California Chapters  
              Southern California Rock Products Association  
              Southern California Ready Mixed Concrete Association

## FISCAL AND ECONOMIC IMPACT

AB 117 would have no cost impact to CIWMB. The CIWMB currently plans to adopt regulations to govern construction and demolition debris facilities by October 1998.

Local governments, operating as local enforcement agencies, would incur indeterminate costs to enforce the prohibition on operating an unauthorized C&D debris facility or operation.

The economic impact of AB 117 is indeterminate. Existing C&D debris recycling facilities and operations may be subject to new regulations and associated costs. On the other hand, C&D disposal facilities may be placed in regulatory tiers that would reduce the cost associated with regulation.

Author	Bill Number
California Integrated Waste Management Board	SB 451
Sponsor	Related Bills
State Bar of California	SB 1113 (Solis), SB 906 (Lee)
	Date Amended
	June 30, 1997

## BILL SUMMARY

SB 451 would require local governments' general plans to provide for the equitable distribution of facilities for solid wastes, hazardous wastes, and liquid wastes to avoid disproportionate effects and to avoid overconcentration of these facilities in any one residential community.

## BACKGROUND

SB 451 is sponsored by the State Bar Conference of Delegates, which asserts that recent research indicates that waste facilities are more common in low-income and minority communities. Sponsors assert that local officials should show more concern for the health and safety of low-income and minority communities when planning waste facilities.

Cities and counties must adopt integrated waste management plans that address the issue of reducing, recycling, and disposing of solid wastes. An integrated waste management plan must also identify specific locations or general areas for existing and proposed facilities for processing, composting, transforming, and disposing of solid wastes. These facilities must be consistent with the local general plans. Household hazardous waste elements are part of these integrated waste management plans.

Cities and counties must adopt general plans with seven specified elements, including a land use element. The land use element must designate general locations for a wide variety of land uses, including solid and liquid waste disposal facilities. Local officials can adopt optional elements into their general plans. Major land use decisions -- zoning, subdivisions, public works, use permits -- must be consistent with general plans.

## RELATED BILLS

SB 1113 (Solis) would require the Office of Planning and Research, by January 1, 1999, to

Departments That May Be Affected		
Department of Toxic Substances Control, State Water Resources Control Board		
Committee Recommendation	Committee Chair	Date
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recommend proposed changes in, and the Secretary of the Resources Agency to certify and adopt revisions to, the CEQA guidelines to provide for the identification and mitigation by public agencies of disproportionately high and adverse environmental effects of projects on minority populations and low-income populations. SB 1113 has been referred to the Senate Floor.

SB 906 (Lee) would require county general plans to include an analysis of the expected rates of hazardous waste production until 1999, and would additionally require the county plan to include specified information regarding the demographics of the community within a 10-mile radius of each hazardous waste stream and facility, and the consideration of specified environmental equity goals. SB 906 was set to be heard by the Senate Environmental Quality Committee on April 21, 1997, but was taken off calendar.

## EXISTING LAW

### State Law:

1. Requires each planning agency and the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city and land outside its boundaries which, in the judgment of the planning agency, relates to its planning (Government Code §65300).
2. Requires the general plan to contain, among other elements, a land use element that designates the proposed general distribution, general location and extent of the uses of the land for housing, business, industry, open space, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land (Govt. Code §65302).
3. Requires the California Integrated Waste Management Board to object to the issuance of a solid waste facility permit if the permit is not consistent with Division 31 (commencing with Section 51000) of the Public Resources Code [PRC §44009 (a) (2)]; in part, Division 31 prohibits, until a countywide integrated waste management plan is approved by the CIWMB, the creation or expansion of a solid waste facility unless the host city or county finds that the facility is consistent with its adopted general plan. (PRC §50000.5).
4. Requires each county to prepare a countywide site element to describe areas of the county to be used for transformation or disposal of solid waste; requires the element to identify areas for expansion of disposal capacity if the county determines that existing capacity will be exhausted within fifteen years; requires areas designated for expansion to be consistent with the county's adopted county general plan; requires the element to contain resolutions from affected cities and the county that any area identified for expansion or new disposal facilities is consistent with the applicable general plan; and requires the county to submit countywide integrated waste management plans to the CIWMB at five-year intervals. (PRC §§41700-41704, 41720, 41770).

5. Declares that the Integrated Waste Management Act shall not infringe on the existing authority of counties and cities to control land use or to make land use decisions. (PRC §41851).

## ANALYSIS

SB 451 would:

1. Require the land use element of a general plan to provide for the equitable distribution of facilities for the transfer, storage, and disposal of solid, hazardous, and liquid wastes that avoid disproportionate effects on people of all races, cultures, and income levels and that avoids overconcentration of these facilities in any one residential community.
2. Require these components of the land use element to include involvement of the surrounding community groups and environmental and environmental justice community groups in the early planning stages.
3. State the Legislature's intent (in uncodified law) that counties and cities minimize the cost of complying with this bill relying on data and analysis contained in existing planning documents, including the integrated waste management plans adopted pursuant to Part 2 (commencing with Section 40900) of Division 30 of the Public Resources Code.
4. State the Legislature's intent (in uncodified law) that cities and counties implement the new requirements in ways that accommodate local conditions and circumstances;
5. Exempt cities and counties from including equitable distribution policies in their land use elements, provided the city or county finds, in writing, that the city or county does not encompass low-income, racial, or ethnic communities that would be adversely affected by siting of transfer, storage, or disposal facilities, or that the facilities would not be sited within the city or county during the anticipated life of the land use element; and
6. Postpone application of this bill's requirements and duties until the time of the next amendment to a city or county general plan after January 1, 1999, or the time of the next periodic review of the housing element of its general plan after January 1, 1999, whichever is later.

## COMMENTS

Effects on CIWMB operations. SB 451 would have minimal impact on CIWMB's planning functions. Current law requires counties to submit countywide integrated waste management plans to the CIWMB at five-year intervals. Current law requires the siting element of these plans to contain resolutions from affected cities and the county that any area identified for a new solid waste disposal facility is consistent with the applicable general plan. The CIWMB ensures that these resolutions are in place and reviews any comment from other local



governments attesting to conflicts between any proposed disposal facility and applicable general plans. SB 451 would require cities and counties to revise their general plans sometime after January 1999. Therefore, beginning in 1999, the CIWMB would be reviewing five-year revisions to integrated waste management plans to ensure that resolutions were in place.

SB 451 would also have minimal effect on CIWMB's permit approval functions. Under current law, for those counties that do not yet have an approved countywide integrated waste management plan, the CIWMB must object to the issuance of a solid waste facility permit unless the host city or county finds that the facility is consistent with its adopted general plan. SB 451 would require cities and counties to revise their general plans sometime after January 1999. Therefore, beginning in 1999, the CIWMB would be reviewing permit applications to ensure that host cities and counties have made the necessary findings.

Effects on CIWMB policies. SB 451 would have little impact on CIWMB policies because current law declares that the Integrated Waste Management Act shall not infringe on the existing authority of counties and cities to control land use or to make land use decisions.

Broader policy. SB 451 would establish State direction to local governments regarding land use planning. In previous sessions, Governor Wilson has vetoed other measures that would direct local governments on land use with regard to solid waste facilities, noting that the existing solid waste management planning process allows local governments to make their own decisions regarding land use planning and that existing law already prescribes an elaborate process for public review and comment and a case-by-case review of individual solid waste facility permits to ensure that the public health and environment are protected.

Effects on solid waste management. SB 451 would require cities and counties to revise their general plans sometime after January 1999 to provide for an equitable distribution of solid waste facilities that avoids disproportionate effects on people of all races, cultures, and income levels and that avoids overconcentration of these facilities in any one residential community. The bill would also require cities and counties to involve surrounding community groups and environmental and environmental justice community groups in the early planning stages for these revisions to local government general plans. These requirements may change the geographic distribution of solid waste facilities in any given county. Such changes might have economic impacts on the solid waste industry. These costs might include higher transportation costs (for example, solid waste generators and disposal facilities might be located farther apart) and higher costs to develop disposal capacity (for example, environmental mitigation costs might be higher if a site preferred for social reasons requires additional mitigation costs to address impacts on wildlife). These costs would probably be passed on to residential, commercial, and industrial solid waste generators.

## LEGISLATIVE HISTORY

SB 451 was introduced on February 19, 1997. It passed the Senate Housing and Land Use Committee (4-1) on April 7, 1997, the Senate Appropriations Committee (8-2) on April 21, 1997, and the Senate (22-15) on May 12, 1997. SB 451 is set for hearing in the Assembly Committee on Local Government on July 16.

Three earlier bills would have required public officials to study the demographics of areas near proposed hazardous waste sites. Governor Wilson vetoed AB 937 (Roybal-Allard) in 1991 and AB 3024 (Roybal-Allard) in 1992, stating that CEQA and others laws already minimized the problem of facilities sited near low-income and minority communities. A third bill, AB 2212 (Lee) in 1994, failed on the Senate Floor on a 16-19 vote. Instead of requiring project-by-project evaluations, SB 451 takes a different approach and emphasizes long-range land use policies.

Support:       State Bar of California, Conference of Delegates (sponsor)  
                  Black Women Lawyers of Los Angeles, Inc.  
                  American Planning Association  
                  Sierra Club  
                  Planning and Conservation League  
                  BKK Corporation

Oppose:        Browning-Ferris Industries  
                  Norcal Waste Systems, Inc.  
                  Camarillo City Council  
                  League of California Cities  
                  California Refuse Removal Council (CRRC)  
                  Safety-Kleen Corporation

## **FISCAL AND ECONOMIC IMPACT**

SB 451 would have no fiscal impact on the CIWMB.

The costs that cities and counties would incur to carry out the bill's requirements would be state-reimbursable. These would include staff costs, consultants and required hearings. The bill expresses legislative intent that these costs would be minimized by relying on existing data and analyses, and the bill delays the bill's implementation until the first land use element amendments after 1998 or when the housing element is reviewed after 1998, whichever is later. Implementing this intent would reduce the state-reimbursable costs of the bill. These costs largely would be incurred the first time the bill's requirements had to be applied to a city or county's general plan.

The bill may have the effect of changing the geographic distribution of solid waste facilities in any given county. Such changes might have economic impacts on the solid waste industry. These costs might include higher transportation costs (for example, solid waste generators and disposal facilities might be located farther apart) and higher costs to develop disposal capacity (for example, environmental mitigation costs might be higher if a site preferred for social reasons requires additional mitigation costs to address impacts on wildlife). These costs would probably be passed on to residential, commercial, and industrial solid waste generators.

Bill Number	Author	Bill Number
California Integrated Waste Management Board	Solis	SB 1113
Sponsor	Related Bills	Date Amended
Author	SB 451 (Watson), SB 906 (Lee)	May 29, 1997

**BILL SUMMARY**

SB 1113 would require the Office of Planning and Research, by January 1, 2000, to recommend changes to the California Environmental Quality Act guidelines to provide for the identification and mitigation by public agencies of disproportionately high and adverse environmental effects of projects on minority populations and low-income populations. The bill would also require the Secretary of Resources Agency to certify and adopt those recommended changes by January 1, 2000.

**BACKGROUND**

Senator Solis is carrying SB 1113 without a sponsor. This bill is intended to incorporate considerations of equity and fairness in the administration of environmental laws. Use of CEQA to address issues of equitable distribution of controversial projects with potential environmental effects was suggested by attorney D. Dwight Worden in the Winter 1993 issue of *Land Use Forum*, published by University of California for the Continuing Education of the Bar.

**RELATED BILLS**

SB 451 would require local governments' general plans to provide for the equitable distribution of facilities for solid wastes, hazardous wastes, and liquid wastes to avoid disproportionate effects and to avoid overconcentration of these facilities in any one residential community. SB 451 was introduced on February 19, 1997; passed by Senate Housing and Land Use Committee (4-1) on April 7, 1997; passed by Senate Appropriations Committee (8-2) on April 21, 1997; passed by the full Senate (22-15) on May 12, 1997; and referred to the Assembly Local Government Committee (set for hearing July 16).

SB 906 (Lee) would require county general plans to include an analysis of the expected rates of hazardous waste production until 1999, and would additionally require the county plan to include specified information regarding the demographics of the community within a 10-mile

Departments That May Be Affected		
Office of Planning and Research, Resources Agency, and all departments that are lead agencies under CEQA		
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radius of each hazardous waste stream and facility, and the consideration of specified environmental equity goals. SB 906 was set to be heard by the Senate Environmental Quality Committee on April 21, 1997, but was taken off calendar.

## EXISTING LAW

State law:

1. Requires lead agencies with the principal responsibility for carrying out or approving a proposed project subject to CEQA to prepare an environmental impact report, negative declaration, or mitigated negative declaration for this action, unless the action is exempt from CEQA. (PRC §21100).
2. Requires the Office of Planning and Research (OPR) to review the CEQA guidelines at least every two years and recommend proposed changes to the Secretary of the Resources Agency, who must certify and adopt the guidelines pursuant to the Administrative Procedure Act. (PRC §21083).
3. Requires local governments to comply with CEQA requirements when submitting solid waste planning documents to the CIWMB [14 CCR §§18768 (a) (1) and 18784 (a) (6)].

## ANALYSIS

SB 1113 would:

1. Adopt legislative findings and declarations that people of all races, cultures, and income must be treated fairly with respect to environmental laws and policies;
2. Require the Office of Planning and Research, by January 1, 2000, to recommend changes to the California Environmental Quality Act guidelines to provide for the identification and mitigation by public agencies of disproportionately high and adverse environmental effects of projects on minority populations and low-income populations;
3. Require the Secretary of Resources Agency to certify and adopt those recommended changes by January 1, 2000;
4. Require the Office of Planning and Research, in consultation with other State agencies, to review databases and other documents, by January 2000, to identify communities and populations affected by disproportionately high and adverse environmental effects of projects;
5. Require the Office of Planning and Research and the Secretary of Resources Agency to rely on procedures that implement federal Executive Order 12898, on environmental equity, to meet the requirements of the bill; and

6. Exempt projects in "frontier counties" from the guidelines adopted pursuant to this bill; would define frontier counties as those with population less than 35,000 in January 1997, with at least 50% of its area owned by the federal government, and with fewer than 250 residential building permits issued in 1995.

## COMMENTS

Effect on CIWMB operations. SB 1113 would have minimal effect on the CIWMB's planning functions. Under current law, local governments must comply with CEQA requirements and prepare appropriate environmental documentation when submitting solid waste planning documents to the CIWMB. In most circumstances, local governments submit negative declarations with their planning documents. Because solid waste planning documents have virtually no environmental effects, SB 1113 would have no effect on CIWMB planning functions.

Further, SB 1113 would have minimal impact on CIWMB's permit approval functions. The CIWMB functions as a responsible agency under CEQA for solid waste facilities. That is, the CIWMB reviews environmental documents (such as environmental impact reports or negative declarations) prepared by local governments with approval authority over solid waste facilities. Typically, this local government authority is over land use, and the local government prepares environmental documentation when a solid waste facility operator wishes to site a new facility or change the design of an existing facility. In these cases, the CIWMB reviews the local government's environmental documentation and comments on those portions that are relevant to the CIWMB's regulatory authority. SB 1113 would indirectly require local governments' environmental documentation to identify and provide for mitigation of environmental effects on minority populations and low-income populations. The CIWMB's comments would probably be limited to solid waste matters and probably would not extend to discussion of appropriate mitigation measures.

The CIWMB functions as lead agency under CEQA for waste tire facility permits. In this circumstance, SB 1113 would indirectly require the CIWMB's environmental documents to identify and provide for mitigation of environmental effects on minority populations and low-income populations.

SB 1113 may have some effect on CIWMB operations by requiring the CIWMB to review its databases, in cooperation with the Office of Planning and Research, to identify communities and populations affected by disproportionately high and adverse environmental effects of projects. However, no database at the CIWMB contains this type of specific information.

### Effect on solid waste management.

The effects of SB 1113 on solid waste management are indefinite. The bill appears to rest on an assumption that, under current CEQA guidelines, governments are ignoring significant effects from projects on some human populations and approving projects without requiring adequate mitigation or consideration of alternatives, such as relocation of the project. If the guidelines required by this bill cause significant changes in the location of, or mitigation of

the effects of, solid waste management facilities, then SB 1113 might increase the overall costs of solid waste management.

## LEGISLATIVE HISTORY

SB 1113 was introduced on February 28, 1997; passed by Senate Committee on Environmental Quality (5-2) on April 21, 1997; passed by Senate Committee on Appropriations (8-4) on May 12, 1997; passed by the full Senate (21-16) on June 3, 1997; passed by the Assembly Committee on Natural Resources (7 -4 ) on June 30, 1997; and referred to Assembly Committee on Appropriations.

Three earlier bills would have required public officials to study the demographics of areas near proposed hazardous waste sites. Governor Wilson vetoed AB 937 (Roybal-Allard) in 1991 and AB 3024 (Roybal-Allard) in 1992, stating that CEQA and others laws already minimized the problem of facilities sited near low-income and minority communities. A third bill, AB 2212 (Lee) in 1994, failed on the Senate Floor on a 16-19 vote.

Support:      Community Coalition for Change, Inc.  
                 Natural Resources Defense Council  
                 California League of Conservation Voters  
                 Communities for a Better Environment  
                 Environmental Working Group  
                 Los Angeles Conservation Corps  
                 Mexican-American Legal Defense and Educational Fund  
                 Sierra Club  
                 Planning and Conservation League  
                 California Teachers Association  
                 East Bay Municipal Utility District  
                 Mothers of East L.A. -- Santa Isabel

Opposition:   California Chamber of Commerce  
                 Association of California Water Agencies  
                 California Association of Realtors  
                 California Manufacturer's Association  
                 Department of Transportation  
                 Office of Planning and Research

## FISCAL AND ECONOMIC IMPACT

SB 1113 would have minor, absorbable cost impact on the CIWMB from the Integrated Waste Management Account. The bill would require the CIWMB to consult with Office of Planning and Research on databases in CIWMB's control that might identify communities and populations affected by disproportionately high and adverse environmental effects, but the costs of this consultation effort would be minor and absorbable.

18 SB 1113 might increase the overall costs of solid waste management, if the revisions to CEQA guidelines required by this bill cause significant changes in the location of, or

mitigation of the effects of, solid waste management facilities. These costs would probably be passed on to residential, commercial, and industrial solid waste generators in the form of higher rates for solid waste services.

Author	Bill Number
California Integrated Waste Management Board	SB 1196
Sponsor	Date Amended
Alpine County	May 13, 1997

## BILL SUMMARY

SB 1196 would allow a county to forgo preparing a countywide siting element and a summary plan until January 1, 2001, if it does not have an incorporated city within its boundaries, meets or exceeds the 25% and 50% waste diversion requirements, generates less than 20 tons of waste daily, and exports all waste out of the county.

## BACKGROUND

According to the Alpine County Board of Supervisors, sponsor of SB 1196, current law "requires production of documents (siting element and summary plan) which do not further objectives of the solid waste code when required in small counties with minimal waste production, and which are impractical for small counties to finance and administer."

Although SB 1196 does not mention Alpine County by name, the descriptive factors in the bill apply only to Alpine County. Alpine County has the smallest population of any county in California -- 1,160 in 1994, and 95% of the county is publicly owned. The county has three distinctive population concentrations: Markleeville/Woodsford, Bear Valley, and Kirkwood. The three population centers also represent three distinct wastesheds, which are separated from each other in the winter by snow covered mountains. Each wasteshed's waste is disposed in three separate jurisdictions outside of Alpine County: Storey County, Nevada; Amador County; and Calaveras County.

Alpine County residents generate a small quantity of waste compared to other jurisdictions -- 3.2 pounds per person per day compared to the statewide average of 8.1 pounds per day. Alpine County only generates 0.00743% of the State's 45 million ton wastestream. Alpine County lacks the businesses that are typical in most jurisdictions. There are no fast food restaurants, grocery stores, banks, or major clothing stores. The two largest businesses in the County are the two ski resorts: Kirkwood and Mt. Reba at Bear Valley. The remaining businesses include government offices, schools, small bars, "mom and pop" grocery stores, and campgrounds. The only two businesses with more than 10 employees are the ski resorts.

Departments That May Be Affected		
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## EXISTING LAW

### Current law:

1. Requires each county to prepare a countywide siting element which provides a description of the areas to be used for development of adequate transformation or disposal capacity concurrent and consistent with the development and implementation of the county and city source reduction and recycling elements adopted (Public Resources Code §41700).
2. Requires each countywide siting element and revision to include the following:
  - a. A statement of goals and policies for the environmentally safe transformation or disposal of solid waste which cannot be reduced, recycled, or composted.
  - b. An estimate of the total transformation or disposal capacity in cubic yards that will be needed for a 15-year period to safely handle solid wastes generated within the county which cannot be reduced, recycled, or composted.
  - c. The remaining combined capacity of existing solid waste transformation or disposal facilities existing at the time of the preparation of the siting element, or revision thereto, in cubic yards and years.
  - d. The identification of an area or areas for the location of new solid waste transformation or disposal facilities or the expansion of existing facilities which are consistent with the applicable city or county general plan if the county determines that existing capacity will be exhausted within 15 years or additional capacity is desired (PRC §41701).
3. Requires each county to prepare a summary plan of significant waste management problems facing the county or city and county. The plan shall provide an overview of the specific steps that will be taken by local agencies, to achieve the purposes of waste management law. The plan must contain a statement of the goals and objectives set forth by the countywide task force (PRC §41751).

### Current regulations:

1. Allow a rural jurisdiction to petition the CIWMB for a reduction in diversion and planning requirements (CCR 18755).
2. Allow a petitioner to identify those specific diversion and planning requirements from which it wants to be relieved and provide justification for the reduction (CCR 18755).
3. Require jurisdictions requesting a reduction in the diversion and planning requirements to include specific information in the reduction petition (CCR 18755).

## ANALYSIS

SB 1196 would:

1. Add a section of uncodified law which exempts from the requirement to prepare a countywide siting element and a summary plan, a county that:
  - a. Does not have an incorporated city within its boundaries,
  - b. Meets or exceeds the 25% and 50% waste diversion requirements,
  - c. Exports all waste out of the county, and
  - d. Generates less than 20 tons of waste daily, averaged on an annual basis; and
2. State that these provisions shall remain operative only until January 1, 2001.

## COMMENTS

Further Amendments. SB 1196 was heard in the Assembly Natural Resources Committee on July 7, 1997. The Committee passed the bill 9-0, but asked for amendments that would (1) require Alpine County to meet the 50% diversion requirement, (2) further explain why Alpine County is in a unique situation relative to all other counties, and (3) specifically state that SB 1196 only applies to Alpine County.

Administrative Remedy. Under CIWMB regulations, any rural jurisdiction can petition the CIWMB for a reduction in planning requirements. The CIWMB has written a *Petition for Reduction in the Planning Requirements of the Countywide Siting Element and the Countywide Summary Plan for Alpine County*, which contains only four blanks to be filled in by the County and requests complete relief from preparing a Summary Plan. Alpine County is expected to submit the completed petition to the CIWMB by late July 1997. CIWMB staff is prepared to present this petition to the Board in August on behalf of Alpine County. Further, a California Environmental Quality Act (CEQA) document for the Siting Element is not required since the CEQA document prepared for Alpine County's Source Reduction and Recycling Element (SRRE) will suffice. Alpine County will still need to notice a public hearing on the siting element and adopt the document at a County Supervisor's meeting.

Past Due. Alpine County has prepared three of the five planning documents required by law (Source Reduction and Recycling Element -- SRRE, Household Hazardous Waste Element -- HHWE, and Nondisposal Facility Element -- NDFE) on time, but has failed to turn in the last two (Siting Element -- SE, and Summary Plan -- SP). The Siting Element and the Summary Plan were due in August of 1995. Model documents have been available for both elements since April 1994, and CIWMB planning staff are in regular contact with Alpine County.

Siting Element. The only information needed in Alpine County's Siting Element is evidence that there are formal agreements in place to assure that the County has capacity to take care of its waste for 15 years. It is the CIWMB's understanding that not all of the three

agreements Alpine County has to export its waste are formal, written documents. The law also states that the Siting Element must include siting criteria for any new facilities, if the County ever decides to open a landfill. The CIWMB is willing to assist Alpine County with this document.

Summary Plan. The Summary Plan was designed to summarize -- for counties that have incorporated cities -- their plans for meeting the requirements of the Integrated Waste Management Act. Since Alpine County does not have incorporated cities, there may not be a need for them to complete a Summary Plan. In the CIWMB-written *Petition for Reduction in the Planning Requirements of the Countywide Siting Element and the Countywide Summary Plan for Alpine County*, it is pointed out that the Summary Plan for Alpine County would only restate information found in documents already approved by the CIWMB, and therefore should not be necessary.

Nature of Alpine County. SB 1196 is drafted so that it affects only Alpine County -- a County that does not have an incorporated city within its boundaries, generates less than 25 tons of waste daily, and exports all of its waste. In September 1994, Alpine County was granted reduced diversion goals of 14% by 1995 and 25% by 2000, and has already exceeded both goals. Alpine County has the smallest population of any county in California -- 1,160 in 1994, and 95% of the County is publicly owned.

Status of Siting Elements/Summary Plans. As of June 1997, 30 of 58 possible Siting Elements have been approved (an additional 7 have sent in preliminary drafts, and 3 are in process); and 24 of 58 possible Summary Plans have been approved (an additional 4 have been conditionally approved; 8 have sent in preliminary drafts, and 2 are in process). Twenty-five counties have not turned in Siting Elements, and 28 counties have not turned in Summary Plans.

Enforcement action. The CIWMB has plans to begin enforcement action on those counties who have not turned in Siting Elements and Summary Plans. Letters were mailed out in mid-June with responses due July 22, 1997. The CIWMB will hear the responses received and take further action at its September 1997 board meeting.

## LEGISLATIVE HISTORY

SB 1196 was introduced on February 28, 1997. It passed the Senate Environmental Quality Committee (9-0) on May 5, 1997, the Senate Floor (32-0) on May 15, 1997, and the Assembly Natural Resources Committee (9-0) on July 7, 1997. It has been referred to the Assembly Second Reading file for amendment.

Support: Alpine County (sponsor)  
Environmental Services Joint Power Authority

Opposition: None on file

## **FISCAL AND ECONOMIC IMPACT**

SB 1196 will save a small amount of staff time for the CIWMB by not having to review a Siting Element and a Summary Plan for Alpine County. This cost is minor and not quantifiable.

Alpine County would save some amount of staff time and money by not having to prepare the Siting Element and Summary Plan, hold public hearings, prepare CEQA documentation, and convene Local Task Force meetings for developing goals and objectives and providing comments.